



Memorandum

Department of Planning and Building

Date: September 19, 2007

To: Planning Commission

From: Maria C. Muett, Associate Planner

Via: Luis Hernandez, Development Planning Manager
Steve Power, Principal Planner

Subject: PCC-07-011/IS-07-06 – Consideration of a Conditional Use Permit to establish and operate a fastfood restaurant with drive thru service at 919-945 Otay Lakes Road – Applicant/Rohwit Marwaha

Background

The Planning Commission met on September 12, 2007 to consider the request for a Conditional Use Permit for drive thru service associated with the proposed fastfood restaurant, in accordance with CVMC Section 19.34 (drive-thru services within the Neighborhood Commercial Zone). The Planning Commission primarily expressed concerns with the proposed location of the menu board, pedestrian accessibility across the walkpath within the drive thru lane, and adjacent parking spaces. The Planning Commission requested the Design Review Committee consider these issues when reviewing the proposed fastfood restaurant, prior to their consideration of the Conditional Use Permit for the drive thru lane. Subsequently, the Planning Commission continued the project to September 26, 2007 for consideration of the Conditional Use Permit.

The Design Review Committee met on September 17, 2007 and considered the proposed project and concerns of the Planning Commission. The Applicant presented to the Design Review an alternative site plan reflecting the menu board closer to the drive thru window, as suggested by the Planning Commission. The modified site plan also called for enhanced landscaping and reversal of the trash enclosure area with parking spaces #5 and #6. The Design Review Committee recommended adoption of the Mitigated Negative Declaration (IS-07-06) and Mitigation Monitoring and Reporting Program and voted (3-0-0-1) approving the proposed project with the alternative design. The Design Review Committee recommended against any demarcation of pedestrian pathways to the existing center and across the drive thru lane, as previously recommended in DRC conditions of approval. The Applicant and City staff provided comments from the project traffic consultant indicating agreement with the alternative design and identifying no new impacts.

Staff has made an additional correction to the attached draft Planning Commission Resolution as requested by the Planning Commission by removal of condition #32 (duplication of Section V).

Conclusion

The proposed project with the alternate parking design is back for consideration of the Conditional Use Permit for drive thru services associated with the proposed El Pollo Loco fastfood restaurant, in accordance with CVMC Section 19.34. A modified site plan is being provided to the Planning Commission that depicts changes made to address pedestrian safety. The Design Review Committee has approved the attached alternative site plan.

Therefore, staff recommends the Planning Commission adopt the attached Planning Commission resolution adopting the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, IS-07-006, and Planning Commission approve Conditional Use Permit PCC-07-011, with modified site plan, based on the findings and subject to the conditions contained in the attached Draft Planning Commission Resolution.

PLANNING COMMISSION AGENDA STATEMENT



Item: 1
Meeting Date: 09/12/07

ITEM TITLE: **PUBLIC HEARING:** PCC-07-011; Consideration of a Conditional Use Permit to establish and operate a fast-food restaurant with drive thru at 919-945 Otay Lakes Road – Rohit Marwaha.

SUBMITTED BY: Director of Planning and Building

REVIEWED BY:

INTRODUCTION:

This is a request by the applicant, Rohit Marwaha, for approval of a fastfood restaurant with drive-through service at a proposed El Pollo Restaurant within an existing shopping center.

BACKGROUND

The project requires approval of a Conditional Use Permit by the Planning Commission per CVMC Sections 19.34.030, (see Attachment 6, CVMC Sections). The project also requires approval of Design Review Permit (DRC-07-014) for site improvements, including building development and architectural features. The project is tentatively scheduled for the September 17, 2007 Design Review Committee meeting for consideration and decision.

A neighborhood public meeting will be held on September 6, 2007 at the Bonita Vista High School. The results of the meeting will be provided at the Planning Commission Meeting.

ENVIRONMENTAL REVIEW

The Environmental Review Coordinator has reviewed the proposed El Pollo Loco project for compliance with the California Environmental Quality Act (CEQA) and has conducted an Initial Study, IS-07-006 in accordance with the California Environmental Quality Act. Based upon the results of the Initial Study, the Environmental Review Coordinator has determined that the overall project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the Environmental Review Coordinator has prepared a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, IS 07-006, (see Attachment 3, Mitigated Negative Declaration).

RECOMMENDATION

Adopt the attached Planning Commission Resolution PCC-07-011, adopting attached Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, IS-07-006, and approve Conditional Use Permit PCC-07-011, based on the findings and subject to the conditions contained in the attached Planning Commission Resolution (see Attachment 2).

BOARDS/COMMISSION RECOMMENDATION

On July 16, 2007, the Resource Conservation Commission determined that Initial Study IS-07-006 for the Project was adequate, and recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, IS-07-006 (see Attachment 4, Resource Conservation Commission Minutes).

DISCUSSION

Project Site Characteristics:

The 0.73-acre project site is the last building pad of an existing shopping center that has been in existence for more than twenty years, (see Attachment 5). The project site is located on the eastside of Otay Lakes Road, between Gotham Avenue and Apache Drive, (see Attachment 1, Locator Map). The building pad is approximately 32,000 square-feet. The topography of the site is essentially flat and surrounded by the existing commercial center's paved parking, landscaping and internal circulation system, (see Attachment 7, page C2A).

To the south of the site are multifamily residential uses (military housing). To the east behind the existing main portion of the shopping center, are single-family residential land uses. To the north, a gas station and continuing north are single-family residential uses. To the west, across Otay Lakes Road, are multi-family residential uses and a junior college (see Attachment 1, Locator Map).

Project Description:

The project consists of an approximately 2,200 square-foot fast-food restaurant with drive-through service to accommodate 6-8 vehicles, an outside eating area to accommodate 9-11 tables and 15 parking spaces. Hours of operation for the restaurant are Monday through Sunday, 9:00 a.m. to 11:00 p.m. The improvements also include landscaped areas, garden walls, walkways and path connections and signage. The building and a 3-foot high garden wall will surround the outside eating area.

Compliance with Development Regulations:

The project site is located within the CN (Neighborhood Commercial) Zone and CR (Retail Commercial) General Plan land use designation.

	General Plan	CV Municipal Code Zoning	Existing Land Use
Site	Commercial Retail (CR)	Neighborhood Commercial (CN)	Shopping Center
North	Residential - Low Medium Density (LM)	Single Family Residential (R-1)	Single Family Residences
	Commercial Retail (CR)	Neighborhood Commercial (CN)	Gas Station (located on adjacent parcel)
South	Residential-Medium Density (M)	Multifamily Residential (R-3)	Multifamily Residences (Military Housing)
East	Residential – Low Medium Density (LM)	Single Family Residential (R-1)	East of Commercial Center are Single Family Residences
West	Residential - Medium Density (M)	Multifamily Residential (R-3)	Multifamily Residences
		Educational Facility	Junior College
	Public Quasi (PQ)		

Note: Adjacent land uses are from the overall commercial center boundaries, instead of the project site boundaries.

ANALYSIS DISCUSSION:

In recommending approval of the requested Conditional Use Permit to the Planning Commission, staff relies on the following general code sections and points:

Chula Vista Municipal Code Section 19.34.030:

According to the City Municipal Code (CVMC), Section 19.34.030 (J), drive-in, take-out and snack stands in the CN Zone require a Conditional Use Permit.

Fastfood Restaurant and Drive-through Services:

Stacking

Drive-through services have the potential to create stacking and traffic hazards. The proposed drive-through lane has the ability to accommodate up to maximum 8 vehicles in accordance with City policy, therefore, accommodating vehicle stacking and facilitating commercial center traffic

flow. In addition, through project design and sufficient distancing from the project's primary access, vehicle backups and stacking onto Otay Lakes Road are avoided, therefore, not creating traffic hazards and traffic delays.

Drive-through Circulation

By building placement and drive-through lane design, vehicles using this service can smoothly integrate into the center's traffic circulation. The majority of vehicles entering the drive-through lane will enter off the southerly access along Otay Lakes Road. Vehicles will then exit the drive-through and enter interior parking areas to the north, circulate within the commercial center and exit out the northerly driveway access along Otay Lakes Road, or proceed north exiting onto Gotham Street. Either circulation patterns can occur without creating an interruption or alteration to the existing center's traffic flow. Thus, the proposed drive-through lane circulation will not significantly impact or impede the commercial center's operational activities.

Parking

The existing commercial center site contains 285 parking spaces. The City of Chula Vista Municipal Code (CVMC) Section 19.62.050 requires 15 parking spaces minimum for fast-food restaurant uses, including drive-in, take-out and snack stands, (see Attachment 5, CVMC Section 19.62). The proposed 15 parking spaces surround the proposed project area consisting of existing and new parking spaces. The proposed project meets the City Parking Code requirement of 15 spaces. In addition, the commercial center has a reciprocal access agreement with its tenants.

Traffic

In order to assess potential traffic issues, a traffic study and circulation plan was submitted in support of the environmental document, Mitigated Negative Declaration IS 07-006. According to the traffic study and analysis, the existing commercial center and adjacent street segments with the proposed restaurant and drive-through use can continue to operate efficiently in the existing fashion without creating any major interruptions to the existing traffic flows or circulation patterns nor cause any new parking or traffic conflicts.

Otay Lakes Road Widening

Otay Lakes Road is currently designated as a four-lane prime arterial according to the General Plan Update Circulation Element. It is a four-lane divided roadway with an existing median ranging near the project site from Apache Road and Telegraph Canyon Road. The City of Chula Vista currently proposes and has funding for the widening of Otay Lakes Road from four lanes to six lanes in between Telegraph Canyon Road and Canyon Road. This City Improvement Project is due to start in Fall 2008. The project has been designed with the widening project in mind and the applicant is required to comply with the roadway delineation and improvements as part of their project to the satisfaction of the City Engineer. Conditions of approval are included that will ensure compliance with the City requirements.

Noise

The project review included a noise report that addressed all noise generated by the proposed fast food restaurant. This also included the proposed outside eating area, drive through vehicle service, and menu board. The project was determined to be consistent with the City Noise

Ordinance. Noise issues were all analyzed and mitigated to less than level of significance. Refer to the attached Mitigated Negative Declaration IS 07-006, (see Attachment 3, Mitigated Negative Declaration).

Menu-Boards

Typically menu boards are associated with drive through services. The proposed drive through service includes a freestanding menu board. The noise study analyzed the menu board and as a result of the noise measurements taken, it was determined that the noise source was not a significant impact to disturb the surrounding residential uses or other sensitive receivers. As noted in the noise study and in accordance with CVMC Section 19.34 and City Noise Ordinance, business operations including the menu board are limited between the hours of 7:00 a.m. to 11:00 p.m.

Traffic Noise

The proposed outdoor eating area adjacent to Otay Lakes Road could be exposed to a potential noise level of 75 CNEL and from mechanical equipment. The edge of the outdoor eating area is located 55 feet from the centerline of Otay Lakes Road. The ambient traffic noise level at this distance generates a level of 74 CNEL. The combined ambient traffic and mechanical equipment noise level to the eating area will be 74 CNEL, less than the City's maximum CNEL standard of 75. No significant individual or cumulative noise impacts to the outside eating area or other sensitive receptors (residential) will be created by the proposed project. Therefore, no physical barriers such as noise walls between the commercial and residential land uses or protective noise barrier around the outside eating area were required.

CONCLUSION:

The intent of a future fast food business was originally anticipated in the earlier Master Plan for the existing shopping center. Typically, fast food restaurants include menu boards/drive through services. The proposed project will create additional synergy to the existing shopping center with additional commercial services to the surrounding neighborhood compatible within the intent of the Commercial Neighborhood (CN) Zone. The project will include attractive building architectural features and onsite improvements that will not only enhance the existing commercial center site but also compliment the surrounding commercial and residential areas. Therefore, the proposed use is consistent with and implements the goals and intent of the Commercial Neighborhood (CN) Zone and General Plan Update.

For these reasons, staff recommends that the Planning Commission adopt the attached Planning Commission resolution adopting the attached Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, IS-07-006, and Planning Commission approve Conditional Use Permit PCC-07-011, based on the findings and subject to the conditions contained in the attached Draft Planning Commission Resolution, (See Attachment 2, Planning Commission Resolution).

DECISION-MAKER CONFLICTS:

Staff has reviewed the property holdings of the Planning Commissioners and has found no property holdings within 500 feet of the boundaries of the property, which is subject to this action.

FISCAL IMPACT

There are no fiscal impacts from the preparation of this report and the processing of the Conditional Use Permit and the Design Review. All costs are covered by the deposit accounts.

ATTACHMENTSAttachments

- 1 Locator Map
- 2 Planning Commission Resolution
- 3 Final Mitigated Negative Declaration
- 4 Resource Conservation Committee Meeting Minutes
- 5 Existing Commercial Center Site Plan
- 6 CVMC Sections 19.34 and 19.62
- 7 Project Plans
- 8 Ownership Disclosure Form

Prepared by: Maria C. Muett, Associate Planner, Planning and Building Department